

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

Kevin Turner and Shawn Wooden, on behalf
of themselves and others similarly situated,

Plaintiffs,

v.

National Football League and NFL
Properties, LLC, successor-in-interest to NFL
Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

**NOTICE OF JOINDER IN ESTATE OF KEVIN TURNER'S RESPONSE AND
LIMITED OPPOSITION TO CO-LEAD COUNSEL'S PETITION FOR
AN AWARD OF ATTORNEYS' FEES AND ADOPTION OF A SET-ASIDE OF EACH
MONETARY AWARD**

1. Class plaintiff Steven Anthony Smith (Steven Smith) hereby joins, adopts, and incorporates by reference, in its entirety, Estate of Kevin Turner's response in opposition to Co-Lead Counsels' petition for an award of attorneys' fees and adoption of a set-aside of each monetary award ("Petition") (ECF No. 7205). Additionally, Steven Smith incorporates by reference in its entirety, Steven Smith's Joinder in Estate of Kevin Turner's motion to resolve attorney fee dispute, which has been filed contemporaneously. In support thereof, plaintiff asserts:

2. Steven Smith objects to any fees sought out of his monetary award by Class Counsel. In the event Class Counsel intends on pursuing a claim for fees based on individual

representation, Steven Smith requests assistance from the Court to prohibit such collection of fees.

3. This Joinder arises as a result of Co-Lead Counsel's Petition for a 5% Set Aside of Fees and Class Counsel, Podhurst's vague and misleading responses to Steven Smith's question of whether any attorneys' fees would be taken out of his \$5Million award under the settlement.

4. Since July of 2016, Steven Smith and his wife Chie T. Smith have inquired whether attorneys' fees will be taken out of Steven Smith's award and have not received a clear answer. In fact, they have received vague and misleading information from Podhurst Orseck P.A., Class Counsel as well as from Christopher Seeger, Co-Lead Class Counsel. To date, Steven Smith and Chie Smith remain confused and frustrated in this matter of attorneys' fees and their obligations to Class Counsel under their previous individual contingency fee agreement, which was signed in 2012 and terminated in July of 2016.

5. Chie Smith is not alone in the confusion and controversy surrounding her contingency fee agreement with a Class Counsel attorney. There exist other wives whose husbands similarly signed individual representation agreements with Class Counsel and are confused on the issue of whether attorneys' fees will come out of their husband's awards. Like Chie Smith, many of these wives have questioned the fairness of collecting fees from the NFL as class counsel and collecting fees from individual plaintiffs at the same time, when only class work was performed. Attached as Exhibit "A" and incorporated for reference into this Joinder is a letter addressed to Honorable Anita B. Brody dated March 20, 2017 signed by numerous plaintiffs' wives. Such letter provides notice to the Court of the existence of hundreds and thousands of contingency fee agreements executed by Class Counsel ranging from 15% -45% of

a plaintiff's recovery under the settlement. This letter also opposes and serves as an objection to Class Counsel's petition for an award of attorneys' fees and a 5% hold back of each monetary award.

6. In summary, Steven Smith opposes any fee award to be taken out of his individual award, including the 5% holdback requested by Class Counsel. Steven Smith further opposes the collection of any attorneys' fees based on the terminated retainer agreement with Class Counsel Podhurst, and asks the Court to use its authority to prohibit Podhurst from pursuing any claim to recover attorneys' fees out of plaintiff's award. Plaintiff remains fully supportive of the settlement and has no objection to Class Counsel including Podhurst receiving an award of attorneys' fees and expenses to be paid by the NFL parties. Nor does Plaintiff object to the total amount of fees and expenses that the NFL Parties agreed to make available for an attorney fee award. Plaintiff also does not object to Co-Lead Counsel Chris Seeger divvying up the attorneys' fees and expenses as awarded and directed by the Court.

Respectfully submitted,

/s/ Joe H. Tucker, Jr.

Joe H. Tucker, Jr. (PA 56617)

Kevin L. Golden (PA 94210)

Tucker Law Group, LLC

Ten Penn Center

1801 Market Street, Suite 2500

Philadelphia, PA 19103

Tel: (215) 875-0609

Fax: (215) 559-6209

jtucker@tlgattorneys.com

kgolden@tlgattorneys.com

Catherina Watters (*pro hac vice* motion to be filed)

Catherina Watters, Attorney at Law

P.O. Box 2252

Orinda, CA 94563

Tel: (321) 278-7237

Fax: (407) 351-5159

catherina@changwatters.com

ATTORNEYS FOR STEVEN ANTHONY SMITH

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No. 2:12-md-02323-AB

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Hon. Anita B. Brody

No. 12-2017

**DECLARATION OF KEVIN L. GOLDEN IN SUPPORT OF JOINDER OF STEVEN
ANTHONY SMITH TO RESPONSE AND LIMITED OPPOSITION TO CO-LEAD
COUNSEYLS' PETITION FOR AWARD OF ATTORNEYS' FEES**

I, Kevin L. Golden, state as follows:

1. I am an attorney with the law firm Tucker Law Group, LLC.
2. My firm has been retained by Steven A. Smith to represent him, along with Catherine Watters, in joining the Estate of Kevin Turner's response and limited objection to Co-Lead Counsel's Petition for an award of attorneys' fees.
3. In this capacity, my office has prepared and submitted an objection raising my clients' concerns and objections.

4. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 3/27/2017.



Kevin L. Golden

CERTIFICATE OF SERVICE

I, Joe H. Tucker, Jr., hereby certify that a copy of the foregoing document was filed through the Court's ECF system on March 27, 2017, and that such filing generates a notice of filing that constitutes service on all counsel of record.

/s/ Joe H. Tucker, Jr.
Joe H. Tucker, Jr.